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Application/Control Number: 09/894,356 Art Unit: 3736 **EXAMINER'S AMENDMENT** An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Gerry E-1701561904-00404 The application has been amended as follows: On Page 1, line 1, insert -The present application is a continuation of U.S. Patent Application No. \$9/420339 filed 10/18/1999 now U.S. Patent No. 6,280,390.— Claim 20: In line 9, insert -- and movable around and proximally along-- between "about" and In lines 9 - 10, delete "and movable". Cancels claims 27 and 28 ... The following is an examiner's statement of reasons for allowance: The prior art does not reach or fairly suggest a tissue sampling apparatus having a trigger that both extends and retracts a cutter and moves a band wrapped around the distal end of the apparatus proximally along the distal fend for severing a tissue sample within the apparatus.

Application/Control Number: 09/894,356 Art. Unit: 3736

Page 3

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan ML Foreman whose telephone number is (703) 305-5390. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

Mary Beth Jones can be reached on (703) 308-3400. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

MI:F une 28, 2004

MARY BETH JONES

ACTUM SUPERMISORY PATENT EXAMINER

	Application No.	( Applicant(e)
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Interview Summary	Examiner	<u>. ii </u>
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## Summary of Record of Interview Requirements

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#### Title 37 Gode of Federal Regulations (CFR) § 1.128 Interviews

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### 37 CPR \$1.2 Business to be transacted in writing.

bisances with the Patent or Tradement Office should be treasacted in writing. The personnal ellendence of applicants or their ettoracy or agents at the Patent party of Software is unespecially. The nation of the Patent and Trademant Office will be based exclusively on the written record in the Office. No effection will produce on a production, or understanding in relation to which there is designeement or doubt.

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It is the responsibility of the application of the examiner's responsibility to see that such a record is made and to correct material insocuracies shirth deal derivative the question of patentiability.

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The Form prevides for recordation of the following information:

- Applicable. Number (Series Code and Serial Number)

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Type of interview (selephonia, video-conference, or personal)

Name of participation (selephonia, video-conference, or personal)

Name of participation (selephonia, stormey or agent, examiner, other PTO personnel, etc.)

An indication whether or not an exhibit was shown or a demonstration conducted

An indication whether or not an exhibit was shown or a demonstration conducted

An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attact-vasar) of a copy of smeedments or claims agreed as being allowable). Note: Agreement as to allowability is tentality and does not restrict furtiers action by the expansive to the contrary.

The signature of the becoming who conducted the interview (if Form is not an attachment to a signed office scion)

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Absolute of the interview.

Accomplete and proper recordation of the substance of any interview should include at least the following applicable items:

1). It is description of the nature of any which shown or any demonstration conducted,

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stoutstall the examiner will give the applicant an extendable one month time period to correct the record is not complete and

Examiner to Check for Accuracy

If the claims are eflowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the distance of the interview along with the date and the examiner's initials.

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#### Schedule

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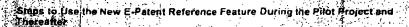
#### Summary

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent interest with Office actions except for citations made during the interestional stage of an international stage of an rescamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office aprivate Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot grates and publish the results in a notice which will be posted on the Office's web site (active ESETO gov) and in the Patent Official Gazette (O.G.) In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases in send copies of U.S. pasent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written obidious prepared by the USPTO for international applications during the international stage and for reckemination proceedings

Description of Rilot Project to Provide Electronic Access to Cited U.S. Patent

On December 1, 2003, the Office will make available a new feature. E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patents

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Access to private PAIR is required to utilize E-Patent Reference. If you don't alleady have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infinitrueture (FKI) digital certificate, obtain a USPTO customer number; associate all of their pending and new application filings with their customer number, install no-cost software! supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI there sentingle are available at the Office's Electronic Business Center (EBC) web page at: to Apwin usolo govicholdownloads himl>. Note that a notarized signature will be required to ettin i digital certificate.

To get a Customer Number, download and complete the Customer Number Reduct form. PTO SB125, at: http://www.uspto.gov/web/forms/sb0125.pdf. The completed forms an then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an appetication is described at the EBC web page at: http://www.uspto.gov/ebo/steistrillien\_pair inl

The E Patent Reference feature will be accessed using a new button on the private PAIR screen. Ondinarily all of the cited U.S. patent and U.S. patent application publication references will be ayrolable over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated: Applicants and registered practitioners can select to download all of the references. or any combination of cited references. Selected references will be downloaded as complete destinents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the CSPTO will include a copy of this notice with Office actions to encourage applicants to use this new fastists and if needed to take the steps outlined above in order to the able to unifice this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application. publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E. Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and derformance of the E Parent Reference feature during the pilot Further, during the pilot pariod registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

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references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

#### Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at <a href="mailto:eReference@aispio.gov">eReference@aispio.gov</a> or by factingle to (703) 308-2840. Comments will be posted and made available for public implections. To ensure that comments are considered in the evaluation of the public project, somewhat angular project in the evaluation of the public project.

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#### Implementation after Pilot

After the pilot its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited disting examination of non-provisional applications on or after February 2, 2004; although copies of sited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

#### For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at supplying a justice gov/web/patents/ifwindex.html. Comments concerning the E-Patent.
Reference feature and questions concerning the operation of the PAIR system should be directed to the IEEC at the USPTO at (856) 217-9197. The EBC may also be consecuted by (accimula at 1003) 308-2880 or by 8-Mail at EBC@uspto.gov.

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Nicholas P. Godici Commissioner for Patents

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